

UNITED STATES DISTRICT COURT FILEDWESTERN DISTRICT OF TEXAS
UNITED STATES OF AMERICA

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS**CRIMINAL COMPLAINT**

DEPUTY

V.

Pedro Flores Mondragon (1)

Javier Ibarra (2)

Case Number: A-12-M-222

I, Otho DuBoise, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 22nd, 2012, in Austin, Travis County, in the Western District of Texas, defendant did possess with the intent to distribute Marijuana, a schedule I controlled substance, in violation of Title 21 United States Code, Section 841(a)(1).

I further state that I am a Detective with the Austin Police Department and that this complaint is based on the following facts:

See Attachment. Attached Affidavit

Continued on the attached sheet and made a part hereof: ☒ YES ☐ NO



Signature of Complainant

Sworn to before me and subscribed in my presence,

3/30/12
Date

Austin, Travis County, Texas

AT
City and State

Andrew Austin, U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

Affidavit

Re: Criminal Complaint of Arrest Warrant
USA v. Pedro Flores Mondragon and Javier Ibarra

The following information is a result of my investigation

On this date 03-21-2012, Officer Ralston 7098, of the Austin Police Department, was dispatched to the 5700 block of Alsace, in Austin, Travis County, Texas, for a Burglary urgent call. The call details described the residence later determined to be 5709 Alsace, and indicated that it appeared that a burglary was in progress at the residence.

Upon arrival Ralston and his backup Officer noticed several vehicles at the residence, but did not see any signs of forced entry into the residence. Officers then decided to make contact with the occupants, to ensure that everything was alright. Ralston knocked on the front door, while his backup Officer covered the side door.

After knocking, Ralston saw a subject look out the window, and get what Ralston described as "surprised" look on his face. Two subjects then ran out the side door and were pursued by Ralston's backup Officer. As Ralston went to assist, two more subjects attempted to run out the front door. Ralston put both subjects on the ground and waited for more backup to arrive. Ralston said that an odor of fresh marijuana was emitting from the open door of the residence at this time. After more backup arrived and the suspects were secured, Officers entered the open front door of the residence to look for more suspects, and or victims, as they still were unsure as to what the situation was at the residence.

While clearing the residence, Officers noticed several large bundles of marijuana stacked in a room inside the residence, along with scales, and magazines from a rifle, all in plain view. Officers then froze the scene and contacted Sgt. Vanzura. The two subjects that were detained leaving the residence through the front door, were identified as Pedro Flores Mondragon 06-07-1985, and Javier Ibarra 07-28-80.

I was contacted by Sgt. Vanzura to conduct the investigation on this case. After contacting Officer Ralston and getting the details of the incident, I advised them to keep the suspects separated, and to hold the scene while I applied for a search warrant. I wrote a search warrant for the location, and it was signed in the City of Austin Municipal Court. After obtaining a search warrant for the location, I notified other Detectives on the scene to begin searching. I then went to the scene, where the majority of the search was already complete.

Inside the residence Officers located numerous military type duffel bags that had been sliced open as if they had been so stuffed that it was easier to slice them open than to try to get the items out of them. I know from training and experience in narcotic trafficking investigations, that "mules" are often employed by Mexican Cartels to carry packs stuffed with narcotics across the river and through the countryside to be picked up on the United States side at designated points. The sliced open bags were in the closet of the bedroom where the marijuana was stacked up. The marijuana was in bundles that weighed at or about 15-20 pounds each. They appeared to have just been unloaded, because none of them had been "broken down" yet. The total weight of the marijuana was at or about 565 pounds. Officers also located wet clothing, at or about \$9020.00 in US currency. An M&P model 15-22 assault style pistol was located loaded and concealed in a pillow case on a bed in the living room. Two .45 caliber pistols were located concealed under the same pillow. Both pistols were loaded as well. Large rolls of cellophane, gallon ziplock bags, a food saver type vaccum sealer, approximately one ounce of cocaine, a kilo press, digital scales that were capable of weighing pounds, and tape were also located in the residence.

The residence contained very little furnishings and food, but a lot of protection, narcotics distribution paraphernalia, and narcotics were located there. Based on my experience in narcotic investigations, this location is most likely a stash location where loads of narcotics are received from Mexican cartels, broken down and distributed in smaller bulk amounts. Another rifle was located in the residence, a Ruger ranch rifle .223 caliber carbine, wrapped in large amounts of cellophane and tape.

Also located in the residence wrapped in large amounts of cellophane, napkins and tape, were a Sprite bottle full of an unknown liquid, and numerous brand new cell phones with from US companies along with activation cards and chargers. It is my belief that these items were wrapped up to be sent back to Mexico for use by the Cartel. Both subjects were arrested for possession of marijuana over 500 pds, but less than 2000 pds.

Both subjects were mirandized on video and were then interviewed by Detective Benoit and I. Ibarra said that he had just arrived at the residence a few hours earlier, and had come from Mexico, where he lives in Michoacan. Michoacan is a well known La Familia Cartel controlled area. He said that he crossed with several other subjects. He said that everyone but him carried a duffle bag filled with marijuana. He said that after crossing, he was picked up by a subject in a white F150 pickup. There was a pickup matching this description at the Alsace address. He said that the driver loaded up the bundles of marijuana and brought him alone, to the Alsace address here in Austin, where they unloaded the bundles into the residence.

Ibarra claimed to be an illegal that was using a Coyote to come to the US, and got wrapped up in this case during his trip to Houston from Mexico. He said that he was supposed to be taken to Houston by someone later that night as part of his journey. However, his story was contradicted by Mondragon about a second subject driving him up here. He was also found to be in possession of \$2045.00 in US currency, which he had in his wallet, separate from the money located in the house. This is inconsistent with an illegal immigrant having just come across the border utilizing a Coyote's services. The risk of robbery is great, and in the unusual event that they would be carrying large amounts of currency, much less US currency, it is normally concealed for protection. Ibarra also was wearing nice clothing, and had a cellular phone, all of which is inconsistent with his story.

Mondragon said that he was invited to the house to play cards with two subjects known only by nicknames. He said that during that time, Ibarra arrived. He said that shortly after that, he and all of the other subjects at the residence unloaded the bundles of marijuana from the F150, and took them into 5709 Alsace. He said that he was unaware of anyone accompanying Ibarra. He denied any further knowledge, but had a box cutter in his pocket at the time of his arrest, that would have been capable of slicing the heavy canvas bags open in the manner that they had been cut.

Mondragon was also found to be in possession of \$1,753.00 in US currency, separate from the money located in the residence.

Based on the above information, I believe probable cause exists to show that Javier Ibarra and Pedro Flores Mondragon has violated Title 21 United States Code, Section 841 (a)(1) in Austin, Travis County, Western Judicial District of Texas.